

## **CITY OF ALAMEDA**

### **Memorandum**

To: Honorable Mayor and  
Members of the City Council

From: John A. Russo  
City Manager

Date: June 21, 2011

Re: Hold a Public Hearing to Adopt a Resolution Approving the Engineer's  
Report, Confirming Diagram and Assessment, and Ordering the Levy of  
Assessments, Maintenance Assessment District 01-01 (Marina Cove)

### **BACKGROUND**

On February 1, 2011, in accordance with the Landscape and Lighting Act of 1972, the City Council appointed an engineer and an attorney for the annual proceedings associated with the Maintenance Assessment District (MAD) 01-01 (Marina Cove), and authorized the preparation of the Engineer's Report. On May 3, 2011, the City Council preliminarily approved the Engineer's Report, declared an intention to order levy and collection of the assessments, and set a public hearing for June 21, 2011.

### **DISCUSSION**

The Marina Cove funds the maintenance of street trees, medians, sidewalks, pathways, irrigation, lighting, and the associated utility costs. The Engineer's Report was prepared in accordance with Section 22565 et seq. of the California Streets and Highways Code. The report includes an estimated annual budget to maintain the public improvements within the MAD. When the MAD was established, an automatic Consumer Price Index (CPI) increase was pre-approved. Staff recommends that the assessments be increased by 1.7%, which is the CPI for the Bay Area for the year ending February 2011. A vote of the property owners is not required to implement this increase. A copy of the Engineer's Report is on file in the City Clerk's office.

FINANCIAL IMPACT

The MAD was created to maintain public improvements associated with the Marina Cove development. The Marina Cove Maintenance (Fund 276) funds that are not expended in a fiscal year remain within the assessment district and may be used for future expenses. The cost to administer the MAD, including full City cost allocation, is approximately \$6,300 and is included within the proposed budget. There is no impact to the General Fund.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

This action does affect the Municipal Code.

RECOMMENDATION

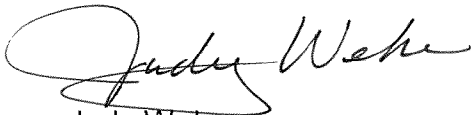
Hold a public hearing and adopt a resolution approving the Engineer's Report, confirming diagram and assessment, and ordering levy of assessments, MAD 01-01 (Marina Cove).

Respectfully submitted,



Matthew T. Naclerio  
Public Works Director

By,



Judy Wehe  
Senior Management Analyst

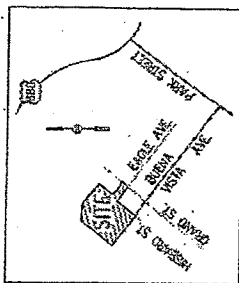
Approved as to funds and account,



Fred Marsh  
Controller

Exhibits:

1. Maintenance Assessment District Map
2. Engineer's Report (on file in the City Clerk's office)



VICINITY MAP  
NO SCALE

# LEGEND

BOUNDARY LINE OF PROPOSED MAINTENANCE  
ASSESSMENT DISTRICT NO. 1

FOR THE PARTICULAR AND LINES OF DIMENSIONS OF THE ASSESSOR'S PARCEL NUMBER REFERENCES IS  
MADE TO MAPS OF THE CITY OF ALAMEDA, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, CITY OF ALAMEDA

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF ALAMEDA, STATE OF CALIFORNIA, THIS  
DAY OF \_\_\_\_\_, 200\_\_

LARA WESKEL, CITY CLERK

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF CITY OF ALAMEDA MAINTENANCE  
ASSESSMENT DISTRICT NO. 1 (MAPS OF THE CITY OF ALAMEDA, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, WAS  
APPROVED BY THE CITY COUNCIL OF THE CITY OF ALAMEDA AT A REGULAR MEETING THEREOF HELD ON THE  
DAY OF \_\_\_\_\_, 200\_\_

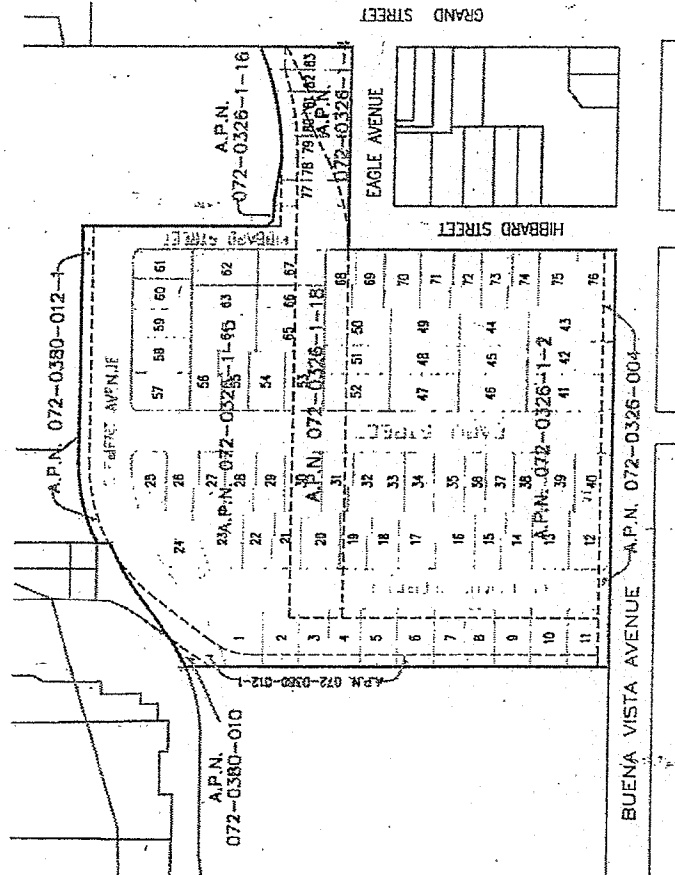
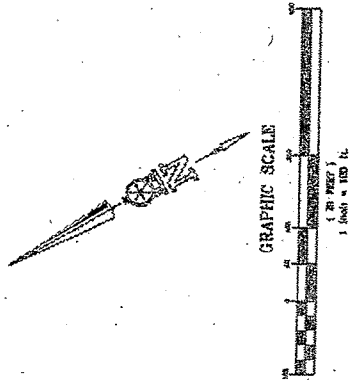
LARA WESKEL, CITY CLERK

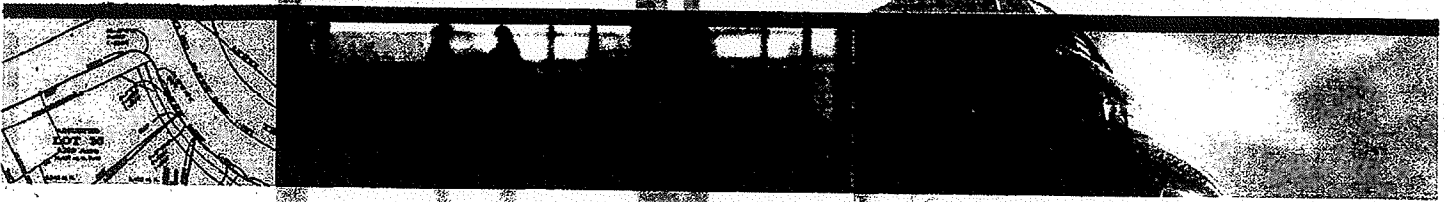
D THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 200\_\_, AT THE HOUR OF \_\_\_\_\_ O'CLOCK \_\_\_\_\_ IN ROOM \_\_\_\_\_ OF MAPS OF  
THE COUNTY OF ALAMEDA, COUNTY CLERK'S OFFICE, IN THE CITY OF ALAMEDA, STATE OF CALIFORNIA

COUNTY RECORDER  
COUNTY OF ALAMEDA  
STATE OF CALIFORNIA

## BOUNDARIES OF MAINTENANCE ASSESSMENT DISTRICT NO. 1

CITY OF ALAMEDA, COUNTY OF ALAMEDA, STATE OF CALIFORNIA  
DATE: MAY 2002 SCALE 1"=100'  
DELAECCHI & ASSOCIATES, INC.  
CONCORD





**City of Alameda**  
**Maintenance Assessment District No. 01-1**  
**(Marina Cove)**  
**2011/12 Engineer's Report**  
**April 2011**

*Submitted by*

N | B | S

**Main Office**  
32605 Temecula Parkway, Suite 100  
Temecula, CA 92592  
800.676.7516 phone

**Regional Office**  
870 Market Street, Suite 1223  
San Francisco, CA 94102  
800.434.8349 phone

**City Council**  
**Exhibit 2 to**  
**Agenda Item #6-B**  
**06-21-11**

**City of Alameda**  
**Maintenance Assessment District No. 01-1**  
2263 Santa Clara Avenue  
Alameda, CA 94501  
Tel: (510) 748-4506  
Fax: (510) 748-4503

---

**CITY COUNCIL**

Marie Gilmore, Mayor

Rob Bonta, Vice Mayor

Doug deHaan, Councilmember

Beverly Johnson, Councilmember

Lena Tam, Councilmember

**CITY STAFF**

Matthew T. Naclerio, Public Works Director

Barbara Hawkins, City Engineer

Judy Wehe, Senior Management Analyst

**NBS**

Pablo Perez, Client Services Director

Trevor Speer, Senior Consultant

## **TABLE OF CONTENTS**

---

|                                      |            |
|--------------------------------------|------------|
| <b>1. ENGINEER'S LETTER</b>          | <b>1-1</b> |
| <b>2. PLANS AND SPECIFICATIONS</b>   | <b>2-1</b> |
| 2.1 Boundaries .....                 | 2-1        |
| 2.2 Improvements and Services .....  | 2-1        |
| <b>3. ESTIMATE OF COSTS</b>          | <b>3-1</b> |
| 3.1 Budget.....                      | 3-1        |
| 3.2 Definition of Budget Items ..... | 3-2        |
| <b>4. ASSESSMENTS</b>                | <b>4-1</b> |
| 4.1 Method of Assessment.....        | 4-1        |
| <b>5. ASSESSMENT DIAGRAM</b>         | <b>5-1</b> |
| <b>6. ASSESSMENT ROLL</b>            | <b>6-1</b> |

# 1. ENGINEER'S LETTER

**WHEREAS**, on February 1, 2011 the City Council of City of Alameda (the "City"), State of California, under the "City of Alameda Maintenance Procedure Code", (the "Code") adopted its Resolution Appointing an Engineer and an Attorney for Maintenance Assessment District No. 01-1 (Marina Cove) (the "District");

**WHEREAS**, said Resolution directed the engineer to prepare and file a report (the "Report");

**WHEREAS**, pursuant to the Code, the Report is required to present plans and specifications describing the general nature, location and extent of the improvements to be maintained, a diagram for the District, showing the area and properties to be assessed, and an estimate of the costs to maintain and service the improvements for the referenced fiscal year, assessing the net amount upon all assessable lots and/or parcels within the District in proportion to the special benefit received;

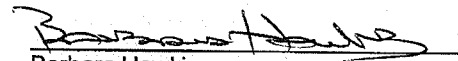
**NOW THEREFORE**, the following assessment is proposed to be authorized in order to pay for the estimated costs of maintenance, operation and servicing of improvements to be paid by the assessable real property within the boundaries of the District in proportion to the special benefit received.

## SUMMARY OF ASSESSMENT FISCAL YEAR 2011/12

| Category                                | Amount             |
|---|--------------------|
| Estimated Costs Less Reserve Allocation | \$64,267.32        |
| Maintenance Reserve Collection          | 25,662.78          |
| <b>Balance to Levy</b>                  | <b>\$89,930.10</b> |
| Total District Square Footage           | 309,146            |
| Proposed Assessment per Square Foot     | \$0.29089189       |
| <b>Total 2011/12 Assessment (1)</b>     | <b>\$89,927.18</b> |

(1) Includes rounding adjustments required for placement on the Alameda County tax roll.

I, the undersigned, respectfully submit the enclosed Report and, to the best of my knowledge, information and belief, the Report, assessments, and the assessment diagram herein have been prepared and computed in accordance with the order of the City Council of the City of Alameda.

  
Barbara Hawkins  
City Engineer

## **2. PLANS AND SPECIFICATIONS**

The District provides for and ensures the continued maintenance and servicing of landscape and irrigation improvements, and associated appurtenances located within the public right-of-way within the boundaries of the District.

### **2.1 Boundaries**

---

The District is located within the boundaries of the City of Alameda. The actual boundaries of the District are generally described as the area north of Buena Vista Avenue, south of Clement Avenue, and west of Grand Street. The District consists of 83 residential parcels located in the Marina Cove subdivision, Tract 7170.

### **2.2 Improvements and Services**

---

Improvements provided within the District include, but are not limited to: shrubs, trees, cobbles, landscape irrigation system, lighting systems, sidewalks, roadways, bike paths, waterside protection systems and associated appurtenant facilities. Services include personnel, materials, contracting services, electrical energy, water required for all necessary maintenance, replacement, repair and administration, required to keep the above mentioned improvements in a healthy, vigorous and satisfactory condition.

Reference is made to the Plans and Specifications for the improvements, which are on file with the City of Alameda. The table below lists specific improvements for which the District will be responsible:

- All street landscape and irrigation maintenance
- Utility and maintenance for 19 street lights
- Utility and maintenance for 8 pathway lights
- Approximately 560 linear feet of fencing
- Approximately 31,350 square feet of concrete sidewalk
- Approximately 95,310 square feet asphalt parking & roadway
  
- Park maintenance including:
  - 15 benches & tables
  - 1 drinking fountain
  - All tot lot equipment
  
- Maintenance of a viewing platform and overlook
- Maintenance of the shoreline protection systems



### 3. ESTIMATE OF COSTS

#### 3.1 Budget

The estimated cost of servicing, maintaining, repairing and replacing the improvements (as described in the Plans and Specifications) for 2011/12 are summarized as follows:

| <b>MAD No. 01-1:</b>                 | <b>FY 2011/12</b>  |
|--------------------------------------|--------------------|
| <b>Direct Costs</b>                  |                    |
| Maintenance Costs                    | \$43,895.00        |
| Utilities                            | 4,000.00           |
| Water                                | 8,000.00           |
| Maintenance Repairs & Contingency    | 1,500.00           |
| <b>Subtotal Direct Costs</b>         | <b>\$57,395.00</b> |
| <b>Administration Costs</b>          |                    |
| Personnel/Overhead                   | \$14,380.00        |
| Administration Cost                  | 9,290.00           |
| County Administration Fee            | 1,754.46           |
| Miscellaneous Costs                  | 500.00             |
| <b>Subtotal Administration Costs</b> | <b>\$25,924.46</b> |
| <b>Subtotal Costs</b>                | <b>\$83,319.46</b> |
| Allocation from Reserve              | (19,052.14)        |
| Operating Reserve Collection         | 25,662.78          |
| <b>Total</b>                         | <b>\$89,930.10</b> |

It is the intent of the City of Alameda to establish a reserve for the replacement of improvements. The reserve balance information for the District is as follows:

|  |              |
|--|--------------|
| Estimated Reserve Fund Balance as of June 30, 2011       | \$189,588.79 |
| Reserve Collection to be Assessed in Fiscal Year 2011/12 | 25,662.78    |
| Estimated Reserve Fund Balance as of June 30, 2012       | \$215,251.57 |

### **3.2 Definition of Budget Items**

---

The following definitions describe the services and costs that are included in the District Budget:

#### **Direct Costs:**

*Maintenance Costs* includes all regularly scheduled labor, materials and equipment required to properly maintain and ensure the satisfactory condition of all appurtenant facilities.

*Utilities* includes the furnishing of electricity required for the operation and maintenance of the landscaping facilities.

*Water* includes the furnishing of water required for the operation and maintenance of the landscaping facilities.

*Maintenance Repairs & Contingency* includes items that are generally unforeseen and not normally included in the yearly maintenance contract costs. This may include repair of damaged equipment due to storms, etc. Also included may be planned upgrades that provide a direct benefit to the District.

#### **Administration Costs:**

*Personnel/Overhead* includes the cost of all particular departments and staff of the City for providing the coordination of the District services, operations and maintenance of the improvements, response to public concerns and education, and procedures associated with the levy and collection of assessments.

*Consultants* includes the cost associated with contracting with professionals to provide services specific to administration of the levy.

*Professional Fees* includes the cost of contracting with professionals to provide any additional administrative, legal or engineering services specific to the District.

*County Administration Fee* includes the actual cost to the District for the County to collect the assessments of the property tax bills and distribute the collections to the City.

*Miscellaneous Expenses* includes funds collected for additional administrative costs such as the cost to prepare and mail notices of the public meeting and hearing and to publish notice of the public meeting and hearing.

#### **Maintenance Reserve Collection:**

*Maintenance Reserve Collection* is the amount collected and held in reserve in preparation for expected future maintenance or replacement of large scale improvements, such as the bulkhead wall, park overlook, sidewalks, roadways, and park landscaping.

## 4. ASSESSMENTS

The assessments for Fiscal Year 2011/12 are apportioned to each parcel as shown on the latest equalized roll at the County Assessor's office and are listed in Section 6 of this Report. The description of each lot or parcel is part of the records of the County Assessor of the County of Alameda and such records are, by reference, made part of this Report.

### 4.1 Method of Assessment

---

Pursuant to the Code (Ord. No. 2623 N.S. § 2), all parcels that have special benefit conferred upon them as a result of the maintenance and operation of improvements shall be identified and the proportionate special benefit derived by each identified parcel shall be determined in relationship to the entire cost of the maintenance and operation of the improvements. Only parcels that receive direct special benefit are assessed, and each parcel is assessed in proportion to the estimated benefit received.

#### Assessment Methodology:

The benefiting parcels shall receive an assessment in proportion to each parcels' pro-rata share of lot square footage (area basis).

*Single Family Residential* – Improved residential properties are assessed based on lot square footage. Each of the subdivided single family residential ("SFR") lots within the District is deemed to receive special benefit from the Improvements. The assessment for SFR lots within the District is calculated by dividing the total maintenance cost by the total square footage of all the assessable lots within the District to determine the assessment amount per square foot, and each unit is assessed at that rate times the amount of square footage of the respective lot.

#### Assessment Increase

The maximum assessment is subject to an annual adjustment, in which the maximum assessment shall be increased by the percentage change in the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index for all Urban Consumers (CPI-U): San Francisco-Oakland-San Jose as of February of each year.

The percentage increase that will be applied to the maximum assessments for Fiscal Year 2011/12 is 1.69% over the prior fiscal year maximum assessment.

**The maximum assessment rate for 2011/12 is \$0.29089189 per lot square foot**

There are 83 single family residential assessable parcels within the District. Each of these units is deemed to receive proportional special benefit from the maintenance and operation of the improvements.

The assessment is spread to each of the 83 assessable SFR parcels within the District as follows:

|   |              |
|---|--------------|
| Estimated Fiscal Year 2011/12 District Budget               | \$88,930.10  |
| Total square footage of parcels within the District         | 309,146      |
| Proposed Fiscal Year 2011/12 assessment per square foot (1) | \$0.29089189 |

(1) The Fiscal Year 2011/12 Assessment is equal to the maximum assessment.

## **5. ASSESSMENT DIAGRAM**

An Assessment Diagram for the District has been previously submitted to the City Clerk in the format required under the provisions of the Code. The lines and dimensions shown on maps of the County Assessor of the County of Alameda for the current year are incorporated by reference herein and made part of this Report.

## **6. ASSESSMENT ROLL**

Parcel Identification, for each lot or parcel within the District, shall be the parcel as shown on the Alameda County Assessor's map for the year in which this Report is prepared.

A listing of parcels assessed within the District for Fiscal Year 2011/12, along with the assessment amounts, is shown on the following pages. If any parcel submitted for collection is identified by the County Auditor/Controller to be an invalid parcel number for the current fiscal year, a corrected parcel number and/or new parcel numbers will be identified and resubmitted to the County Auditor/Controller. The assessment amount to be levied and collected for the resubmitted parcel(s) shall be based on the method of apportionment and assessment rate approved in this Report. Therefore, if a single parcel has changed to multiple parcels, the assessment amounts applied to each of the new parcels shall be recalculated and applied according to the approved method of apportionment and assessment rate rather than a proportionate share of the original assessment.

Non-assessable lots or parcels include areas of public streets and other roadways (typically not assigned an APN by the County), dedicated public easements, open space areas and rights-of-way including public greenbelts and parkways, utility rights-of-way, common areas, landlocked parcels, small parcels vacated by the County, bifurcated lots and any other property that cannot be developed or has specific development restrictions. These types of parcels are considered to receive little or no benefit from the improvements and are therefore exempted from assessment.

**City of Alameda**  
**Maintenance Assessment District No. 01-1**  
**Fiscal Year 2011/12 Assessment Roll**

| APN              | Maximum<br>Assessment | Lot<br>Square Footage | Proposed<br>2011/12 Levy(1) |
|------------------|-----------------------|-----------------------|-----------------------------|
| 072 -0384-034-00 | \$1,457.36            | 5,010                 | \$1,457.36                  |
| 072 -0384-035-00 | 1,163.56              | 4,000                 | 1,163.56                    |
| 072 -0384-036-00 | 932.30                | 3,205                 | 932.30                      |
| 072 -0384-037-00 | 929.39                | 3,195                 | 929.38                      |
| 072 -0384-038-00 | 1,163.56              | 4,000                 | 1,163.56                    |
| 072 -0384-039-00 | 1,163.56              | 4,000                 | 1,163.56                    |
| 072 -0384-040-00 | 932.30                | 3,205                 | 932.30                      |
| 072 -0384-041-00 | 929.39                | 3,195                 | 929.38                      |
| 072 -0384-042-00 | 1,163.56              | 4,000                 | 1,163.56                    |
| 072 -0384-043-00 | 1,163.56              | 4,000                 | 1,163.56                    |
| 072 -0384-044-00 | 1,265.96              | 4,352                 | 1,265.96                    |
| 072 -0384-045-00 | 1,265.96              | 4,352                 | 1,265.96                    |
| 072 -0384-046-00 | 1,163.56              | 4,000                 | 1,163.56                    |
| 072 -0384-047-00 | 929.39                | 3,195                 | 929.38                      |
| 072 -0384-048-00 | 932.30                | 3,205                 | 932.30                      |
| 072 -0384-049-00 | 1,163.56              | 4,000                 | 1,163.56                    |
| 072 -0384-050-00 | 1,163.56              | 4,000                 | 1,163.56                    |
| 072 -0384-051-00 | 929.39                | 3,195                 | 929.38                      |
| 072 -0384-052-00 | 932.30                | 3,205                 | 932.30                      |
| 072 -0384-053-00 | 1,163.56              | 4,000                 | 1,163.56                    |
| 072 -0384-054-00 | 929.39                | 3,195                 | 929.38                      |
| 072 -0384-055-00 | 932.30                | 3,205                 | 932.30                      |
| 072 -0384-056-00 | 1,412.28              | 4,855                 | 1,412.28                    |
| 072 -0384-057-00 | 1,728.77              | 5,943                 | 1,728.76                    |
| 072 -0384-058-00 | 1,127.78              | 3,877                 | 1,127.78                    |
| 072 -0384-059-00 | 929.39                | 3,195                 | 929.38                      |
| 072 -0384-060-00 | 932.30                | 3,205                 | 932.30                      |
| 072 -0384-061-00 | 929.39                | 3,195                 | 929.38                      |
| 072 -0384-062-00 | 932.30                | 3,205                 | 932.30                      |
| 072 -0384-063-00 | 1,163.56              | 4,000                 | 1,163.56                    |
| 072 -0384-064-00 | 929.39                | 3,195                 | 929.38                      |
| 072 -0384-065-00 | 932.30                | 3,205                 | 932.30                      |
| 072 -0384-066-00 | 698.14                | 2,400                 | 698.14                      |
| 072 -0384-067-00 | 930.85                | 3,200                 | 930.84                      |
| 072 -0384-068-00 | 930.85                | 3,200                 | 930.84                      |
| 072 -0384-069-00 | 698.14                | 2,400                 | 698.14                      |
| 072 -0384-070-00 | 930.85                | 3,200                 | 930.84                      |
| 072 -0384-071-00 | 929.39                | 3,195                 | 929.38                      |
| 072 -0384-072-00 | 932.30                | 3,205                 | 932.30                      |
| 072 -0384-073-00 | 1,149.60              | 3,952                 | 1,149.60                    |
| 072 -0384-074-00 | 1,675.24              | 5,759                 | 1,675.24                    |
| 072 -0384-075-00 | 1,520.49              | 5,227                 | 1,520.48                    |
| 072 -0384-076-00 | 1,520.49              | 5,227                 | 1,520.48                    |
| 072 -0384-077-00 | 1,381.73              | 4,750                 | 1,381.72                    |
| 072 -0384-078-00 | 1,105.38              | 3,800                 | 1,105.38                    |
| 072 -0384-079-00 | 1,381.73              | 4,750                 | 1,381.72                    |
| 072 -0384-080-00 | 1,309.01              | 4,500                 | 1,309.00                    |
| 072 -0384-081-00 | 1,047.21              | 3,600                 | 1,047.20                    |
| 072 -0384-082-00 | 1,309.01              | 4,500                 | 1,309.00                    |
| 072 -0384-083-00 | 1,309.01              | 4,500                 | 1,309.00                    |
| 072 -0384-084-00 | 1,047.21              | 3,600                 | 1,047.20                    |
| 072 -0384-085-00 | 1,309.01              | 4,500                 | 1,309.00                    |
| 072 -0384-086-00 | 1,163.56              | 4,000                 | 1,163.56                    |
| 072 -0384-087-00 | 1,163.56              | 4,000                 | 1,163.56                    |
| 072 -0384-088-00 | 932.30                | 3,205                 | 932.30                      |
| 072 -0384-089-00 | 929.39                | 3,195                 | 929.38                      |

**City of Alameda**  
**Maintenance Assessment District No. 01-1**  
**Fiscal Year 2011/12 Assessment Roll**


| APN              | Maximum<br>Assessment | Lot<br>Square Footage | Proposed<br>2011/12 Levy(1) |
|------------------|-----------------------|-----------------------|-----------------------------|
| 072 -0384-090-00 | 1,149.60              | 3,952                 | 1,149.60                    |
| 072 -0384-091-00 | 1,163.56              | 4,000                 | 1,163.56                    |
| 072 -0384-092-00 | 932.30                | 3,205                 | 932.30                      |
| 072 -0384-093-00 | 929.39                | 3,195                 | 929.38                      |
| 072 -0384-094-00 | 916.89                | 3,152                 | 916.88                      |
| 072 -0384-095-00 | 1,309.01              | 4,500                 | 1,309.00                    |
| 072 -0384-096-00 | 1,047.21              | 3,600                 | 1,047.20                    |
| 072 -0384-097-00 | 1,309.01              | 4,500                 | 1,309.00                    |
| 072 -0384-098-00 | 1,309.01              | 4,500                 | 1,309.00                    |
| 072 -0384-099-00 | 1,047.21              | 3,600                 | 1,047.20                    |
| 072 -0384-100-00 | 1,309.01              | 4,500                 | 1,309.00                    |
| 072 -0384-101-00 | 929.39                | 3,195                 | 929.38                      |
| 072 -0384-102-00 | 932.30                | 3,205                 | 932.30                      |
| 072 -0384-103-00 | 1,163.56              | 4,000                 | 1,163.56                    |
| 072 -0384-104-00 | 929.39                | 3,195                 | 929.38                      |
| 072 -0384-105-00 | 932.30                | 3,205                 | 932.30                      |
| 072 -0384-106-00 | 929.39                | 3,195                 | 929.38                      |
| 072 -0384-107-00 | 932.30                | 3,205                 | 932.30                      |
| 072 -0384-108-00 | 1,163.56              | 4,000                 | 1,163.56                    |
| 072 -0384-109-00 | 1,176.36              | 4,044                 | 1,176.36                    |
| 072 -0384-110-00 | 1,002.70              | 3,447                 | 1,002.70                    |
| 072 -0384-111-00 | 822.64                | 2,828                 | 822.64                      |
| 072 -0384-112-00 | 809.55                | 2,783                 | 809.54                      |
| 072 -0384-113-00 | 831.95                | 2,860                 | 831.94                      |
| 072 -0384-114-00 | 875.58                | 3,010                 | 875.58                      |
| 072 -0384-115-00 | 941.03                | 3,235                 | 941.02                      |
| 072 -0384-116-00 | 1,041.68              | 3,581                 | 1,041.68                    |
| <b>Totals</b>    | <b>\$89,927.56</b>    | <b>309,146</b>        | <b>\$89,927.18</b>          |

(1) Proposed levy is less than the Maximum Assessment in some cases due to the rounding restrictions of Alameda County.

CITY OF ALAMEDA RESOLUTION NO. \_\_\_\_\_

APPROVING THE ENGINEER'S REPORT, CONFIRMING DIAGRAM  
AND ASSESSMENT AND ORDERING LEVY OF ASSESSMENTS,  
MAINTENANCE ASSESSMENT DISTRICT 01-01 (MARINA COVE)

Approved as to Form

  
City Attorney

WHEREAS, by its Resolution No. 14182, a resolution directing preparation of an Annual Report for Maintenance Assessment District 01-01 (Marina Cove), this City Council designated the City Engineer as Engineer of Work and directed said Engineer of Work to make and file a report in writing in accordance with and pursuant to the Landscape and Lighting Act of 1972; and

WHEREAS, said report was duly made and filed with the City Clerk and was presented to the City Council for consideration; and

WHEREAS, said Council considered said report and each and every part hereof and found that it contained all the matters and things called for by the provisions of said Code and said Resolution No. 14182, including; (1) plans and specifications of the existing improvements and proposed improvements, (2) estimate of costs (3) diagram of the district, and (4) an assessment according to the benefits, all of which was done in the form and manner required by such Code; and

WHEREAS, it was determined that the report should stand as the Engineer's Report for all subsequent proceedings under and pursuant to the aforesaid resolution, and that Tuesday, June 21, 2011, at the hour of 7:00 o'clock p.m., in the regular meeting place of this City Council, Council Chambers, Alameda City Hall, 2263 Santa Clara Avenue, Alameda, California, was appointed as the time and place for a hearing of protests in relation to the formation of a maintenance assessment district pursuant to the City of Alameda's Maintenance Procedure Code, to said proposed improvements and the levy of the proposed assessment; and

WHEREAS, it appears that notices of said hearings were duly and regularly published and mailed in the time, form and manner required by said Code, as evidence by the affidavits and certificates on file with said City Clerk; and

WHEREAS, at the appointed time and place the hearing was duly and regularly held, and all persons interested, desiring to be heard, were given an opportunity to be heard, and all matters and things pertaining to the levy were fully heard and considered by this Council, and all oral statements and all written protests or communications were duly heard, considered, and overruled, and this Council thereby acquired jurisdiction to order the levy, confirm the diagram and assessment prepared by and made a part of the Engineer's Report and to pay the costs and expenses thereof.



NOW, THEREFORE, IT IS RESOLVED, that:

1. The property owners owning more than 50% of the area of assessable lands within the District had not, at the conclusion of the hearing, filed written protests against the proposed levy, as a whole or as to any part thereof, or against the District or the extent thereof to be assessed for the costs and expenses of the levy as a whole, or as to any part thereof, or against the Engineer of Work's estimate of costs and expenses, in whole or in part, or against the maps and description, in whole or in part, or against the diagram or the assessment to pay for the costs and expenses thereof, in whole or in part.

2. The public interest, convenience, and necessity require that the levy be made.

3. The District benefited by the improvements is to be assessed for said costs for the construction or installation of the improvements, including the maintenance or servicing, or both, thereof, are situated in the City of Alameda, California, the exterior boundaries thereof, are as shown by a map thereof filed in the office of the City Clerk, which map is made a part hereof by this reference.

4. That said district be, and is hereby designated as "City of Alameda Maintenance Assessment District 01-01" by which name it shall hereafter be referred to in all subsequent proceedings, including proceedings for the levy and collection of assessments.

5. The Engineer's Report as a whole and each part thereof, is hereby confirmed to wit:

(a) The Engineer of Work's estimate of the itemized and total costs and expenses of maintaining the improvements and of the incidental expenses in connection therewith;

(b) The diagram showing the District, plans, and specifications for the improvements to be maintained and the boundaries and dimensions of the respective lots and parcels of land within the District; and

(c) The assessment of the total amount of the cost and expenses of the proposed maintenance of the improvements upon the several lots or parcels of land in the District in proportion to the estimated benefits to be received by such lots and parcels, respectively, from said improvements, including the maintenance or servicing, or both, thereof, and of the expenses incidental thereto.

6. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the June 21, 2011 hearing, this Council expressly finds and determines (a) that each of the several lots and parcels of land will be specially benefited by the maintenance of the improvements at least in the amount, if not more than the amount, of the assessment apportioned against the lots and parcels of land, respectively, and (b) that there is substantial evidence to support,

and the weight of the evidence preponderates in favor of the aforesaid findings and determination as to special benefits.

7. Upon the adoption of this resolution, but in no event later than the third Monday in August following such adoption, the City Clerk shall file a certified copy of the diagram and assessment and a certified copy of this resolution, with the Auditor of the County of Alameda. Upon such filing, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount of assessment. The assessments shall be collected at the same time and in the same manner as County taxes are collected, and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments. After collection by the County of Alameda, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to the Finance Division of this City.

8. Upon receipt of moneys representing assessments collected by the County, the Finance Division of this City of Alameda shall deposit said moneys in the City Treasury to the credit of an improvement fund, which improvement fund the Finance Division of this City is hereby directed to establish under the distinctive designation of the District. Moneys in the improvement fund shall be expended upon the maintenance of the improvements.

\* \* \* \* \*

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 21st day of June, 2011, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 22nd day of June, 2011.

---

Lara Weisiger, City Clerk  
City of Alameda